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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/787,171	02/27/2004	Kozo Yamamoto	ED-US030151	4883

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SHINJYU GLOBAL IP COUNSELORS, LLP  
1233 20TH STREET, NW, SUITE 700  
WASHINGTON, DC 20036-2680

EXAMINER
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BINDA, GREGORY JOHN

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 07/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/787,171

Applicant(s)

YAMAMOTO ET AL.

Examiner

Greg Binda

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

*Information Disclosure Statement*

1. The listing of references in the specification as at paragraphs 0004 and 0005 is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper."

Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

*Specification*

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

3. The disclosure is objected to because:

- a. Page 9, line 6, includes the term, "O-III". It is not clear what the term means.
- b. At page 15, line last, the word "on" is misspelled
- c. Drive member 52 is identified as "driven" at page 18, line 1
- d. At page 18, line 4, the first torsion spring 58A is identified by an incorrect reference character

*Claim Rejections - 35 USC § 112*

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 10-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 10, line 5 recites the limitation "a first angle". It is not clear if this first angle is the same as, or different from the first angle recited at claim 1, line 10.

*Claim Rejections - 35 USC § 102*

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Stromberg, US 3,138,011.

a. Claims 1-9 & 13-18. Figs. 1 & 2 show a damper mechanism comprising: a first rotating member 10; a second rotating member 7 being configured to rotate relative to the first rotating member; a pair of first elastic members A (28, 30), the first elastic members being aligned in a rotational direction to operate in series with each other in the rotational direction (see also col. 3, lines 8-21); and a second elastic member C being configured to

operate in parallel with the pair of first elastic members (see Fig. 3), the second elastic member being configured to be compressed in the rotational direction after the pair of first elastic members is compressed to a first angle (see Fig. 3) due to relative rotation of the first and second rotating members. Fig. 2 shows the second elastic member C and the first pair of elastic members A are aligned in the rotational direction. Fig. 2 shows two pairs of first elastic members A and a plurality of second elastic members C are placed between the plurality of pairs of first elastic members in the rotational direction. Fig. 2 shows the second elastic member C is placed in the same radial position as that of the first elastic members A. In col. 2, lines 36-56, Stromberg discloses a supporting member 14 is arranged between one elastic member 28 of the first pair of elastic members A and the other elastic member 30 of the pair A in the rotational direction, the rotational member being configured to contact rotational ends of the pair of first elastic members.

b. Claims 1, 10-13, 19 & 20. Figs. 1 & 2 show a damper mechanism comprising: a first rotating member 10; a second rotating member 7 being configured to rotate relative to the first rotating member; a pair of first elastic members A (28, 30), the first elastic members being aligned in a rotational direction to operate in series with each other in the rotational direction (see also col. 3, lines 8-21); and a second elastic member B being configured to operate in parallel with the pair of first elastic members (see Fig. 3), the second elastic member being configured to be compressed in the rotational direction after the pair of first elastic members is compressed to a first angle, 3 degrees (see col. 3, line 25) due to relative rotation of the first and second rotating members. Figs. 1-3 show a third elastic member C being configured to operate in parallel with the pair of first elastic members A

and the second elastic member B in the rotational direction, the third elastic member being configured to be compressed in the rotational direction after the pair of first elastic members is compressed to the first angle and the second elastic member is compressed to a second angle, 8 degrees (see col. 3, line 27) due to relative rotation of the first and second rotating members 10 & 7. Full compression of the elastic members A, B, C stops the relative rotation between the first and second rotating members 10 & 7.

8. Claims 1-5, 7, 8, 10-17, 19 & 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Lamarche, US 4,347,717. Figs. 1 & 2 show a damper mechanism 10 comprising: a first rotating member 32, 33; a second rotating member 65, 68 being configured to rotate relative to the first rotating member; a pair of first elastic members 73, the first elastic members being aligned in a rotational direction to operate in series with each other in the rotational direction (see also "the springs in each group operating in series" at col. 4, lines 49 & 50); and a second elastic member 74 being configured to operate in parallel with the pair of first elastic members (see "damper springs 73, 74 . . . operating in parallel" at col. 4, lines 48 & 49), the second elastic member being configured to be compressed in the rotational direction after the pair of first elastic members is compressed to a first angle (see col. 5, lines 36-40) due to relative rotation of the first and second rotating members. Fig. 1 shows the second elastic member 74 and the first pair of elastic members 73 are aligned in the rotational direction. Fig 1 shows two pairs of first elastic members 73 and a plurality of second elastic members 74 are placed between the plurality of pairs of first elastic members in the rotational direction. Fig. 1 shows the second elastic member 74 is placed in the same radial position as that of the first elastic members 73. Figs. 1 & 2 show

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a third elastic member 75 being configured to operate in parallel with the pair of first elastic members 73 and the second elastic member 74 in the rotational direction (see col. 4, lines 48 & 49), the third elastic member being configured to be compressed in the rotational direction after the pair of first elastic members is compressed to the first angle and the second elastic member is compressed to a second angle due to relative rotation of the first and second rotating members (see col. 5, lines 36-41). Full compression of elastic members 73-78 stops the relative rotation between the first and second rotating members.

#### *Conclusion*

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Malloy, Ling, Tamura, Naudin, Feldhaus, Hashimoto, Annic and Mizukami each show a damper mechanism.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Binda whose telephone number is (571) 272-7077. The examiner can normally be reached on M-F 9:30 am to 7:00 pm with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Greg Binda  
Primary Examiner  
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